

Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 12, 2007

CENAO-REG
Corps NAO-2007-590
VMRC 07-V0224

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Boxley Materials Company
c/o Double "C" Environmental Services, Inc.
Attn: John R. McClain
843 Greenhouse Road
Rustburg, VA 24588

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Big Branch, a tributary to Flat Creek, a tributary to Big Otter River, in Campbell County, Virginia.

PROPOSED WORK AND PURPOSE: PROJECT DESCRIPTION: Expansion of an existing quarry operation to mine rock along the northern boundaries of the quarry property. Approximately 1,205 linear feet of an intermittent tributary and 1,580 linear feet of a perennial tributary will be relocated. Both streams were altered and channelized in the past but have since naturalized. Approximately 0.10 acre of wetlands will also be impacted by the proposal. Proposed mitigation is to relocate the tributaries and wetlands using natural channel design.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites

for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers, Central Virginia Regulatory Field Office, 444 Abby Lane, Howardsville, VA 24562 and should be received by the close of business by **May 11, 2007**.

If you have any questions about this project or the permit process, please contact:

Nora Iseli
Phone: 434/263-8247
Email: nora.m.iseli@usace.army.mil

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

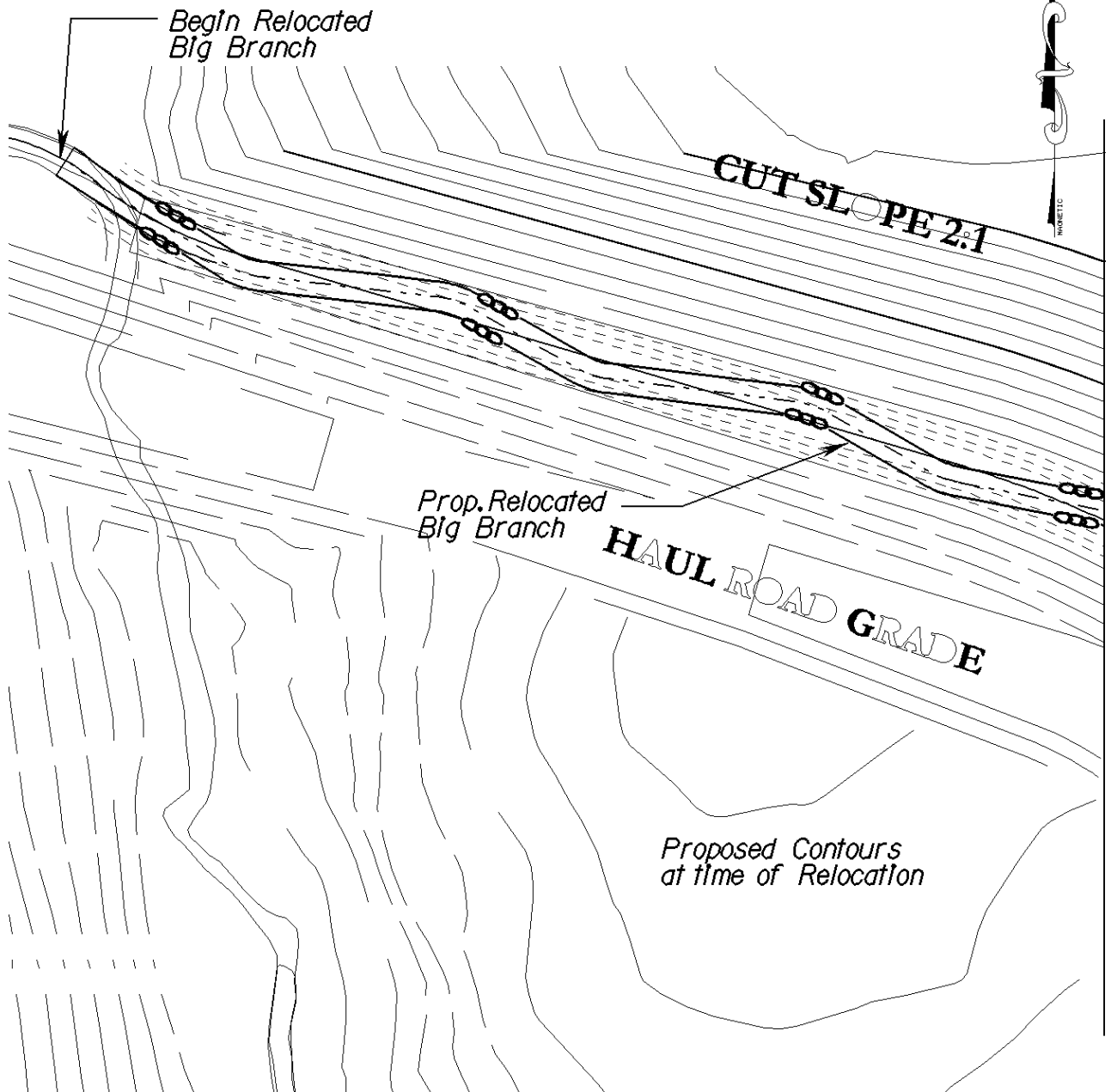
Attachment: Drawings

The map is a topographic representation of a mountainous region. It features brown contour lines indicating elevation, with labels such as 800, 900, 1000, and 1120. A prominent road, Lawyers Road, runs diagonally from the bottom left towards the top center. Another road, US Rte. 29, runs diagonally from the top right towards the bottom right. A shaded purple area, outlined by a black line, is located in the center-left of the map. An arrow points from the text 'Area of Proposed Expansion' to this shaded area. Other labels on the map include 'Golf Course', 'Flat', 'Creek', and 'Spring'. Elevation markers like 'x1051' and 'x1074' are also present. The map is oriented with North at the top.

Campbell County, VA

Proposed Big Branch Relocation

Plan View



Big Branch
D.A.=1.5 sq.mf.

Not to Scale

Double c



Environmental Services

We Do Stream Restoration, "Naturally"

PROPOSED

IN: Cambell County

PROJECT NO:

APPLICATION BY: BOXLEY
MATERIALS COMPANY
ROANOKE, VIRGINIA
LAWYERS ROAD PLANT

SHEET 1 OF 3 DATE: 4/07

Proposed Big Branch Relocation

Plan View



Matchline See Sheet 1 of 3

Proposed Contours
at time of Relocation

HAUL ROAD GRADE

Prop. Relocated
Big Branch

Property Line

End Relocated
Unnamed Tributary

13

781.24

Big Branch
D.A.=1.5 sq.mil.

Not to Scale

Double c



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PROPOSED

IN: Cambell County

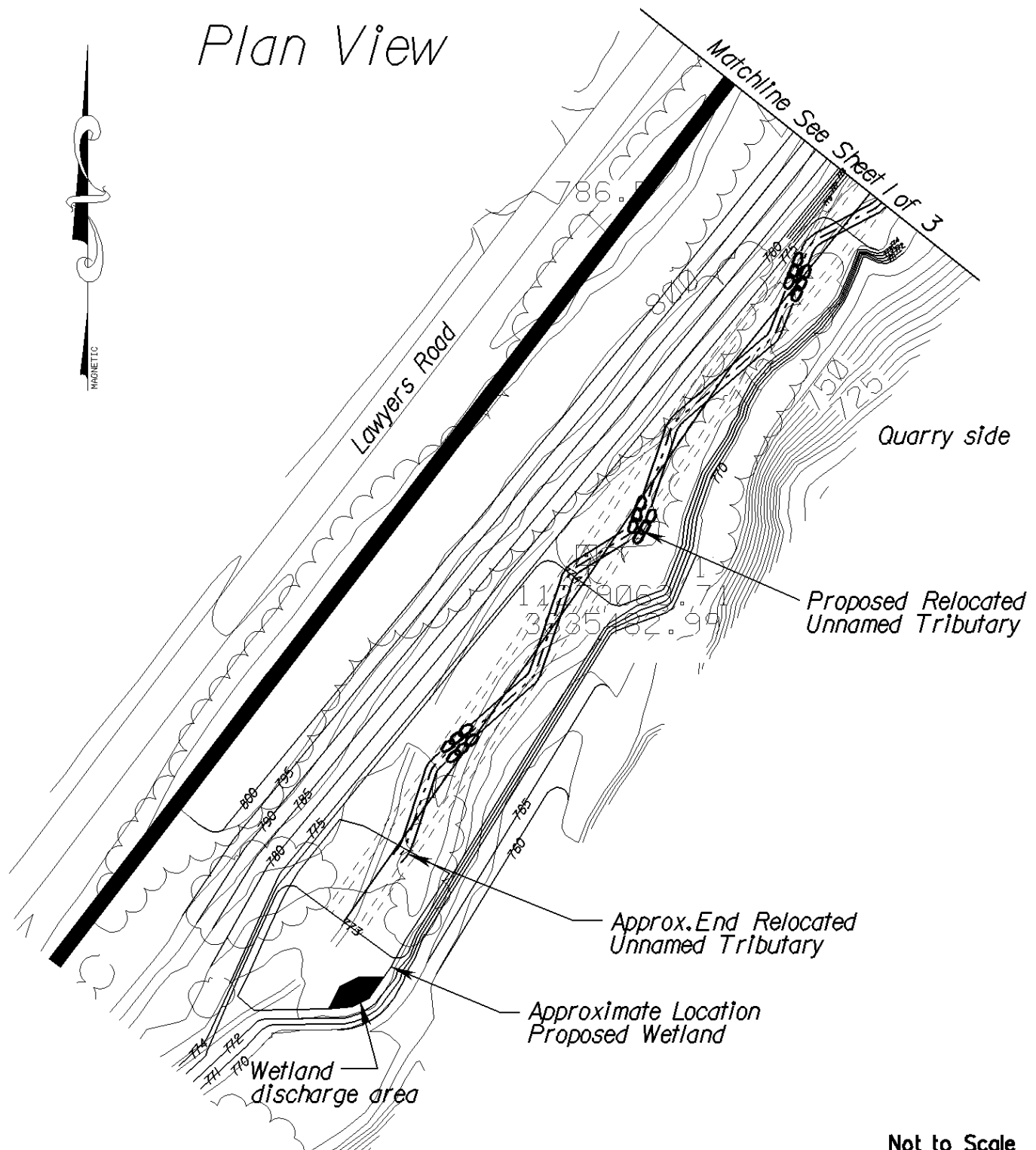
PROJECT NO:

APPLICATION BY: BOXLEY
MATERIALS COMPANY
ROANOKE, VIRGINIA
LAWYERS ROAD PLANT

SHEET 2 OF 3 DATE: 4/07

Proposed Unnamed Tributary Relocation

Plan View



Not to Scale

Double c



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PROPOSED

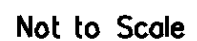
IN: Cambell County

PROJECT NO:

APPLICATION BY: BOXLEY
MATERIALS COMPANY
ROANOKE, VIRGINIA
LAWYERS ROAD PLANT

SHEET 2 OF 3 DATE: 4/07

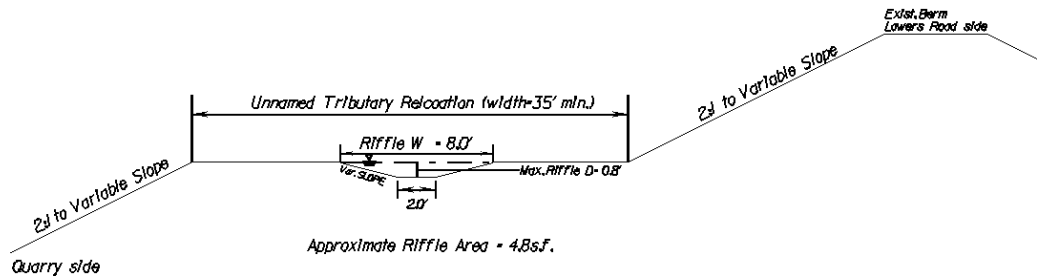
Plan View



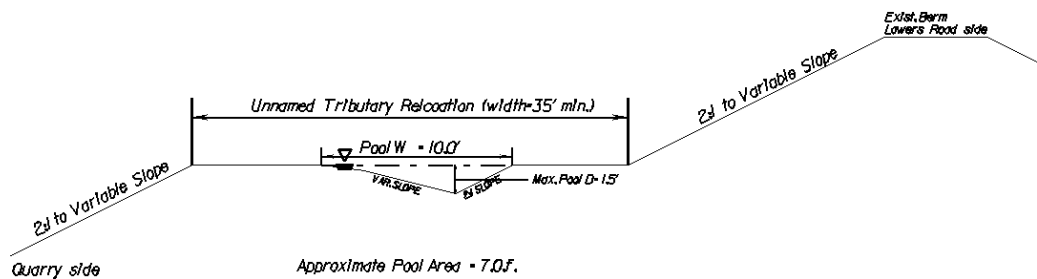
SHEET 1 OF 3 DATE: 4/07

Proposed Unnamed Tributary Relocation

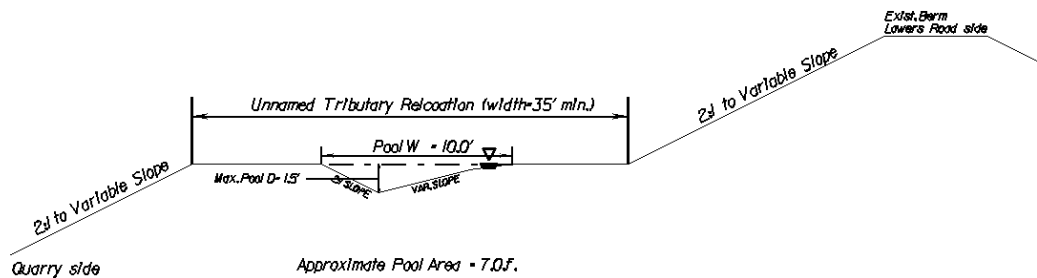
Typical Section View



TYPICAL SECTION - RIFFLE



TYPICAL SECTION - POOL RIGHT



TYPICAL SECTION - POOL LEFT

Not to Scale

Double c



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